

REVISED STAFF REPORT

Planning & Zoning Commission: March 13, 2006

Board of County Commissioners: April 12, 2006

Planning & Zoning Commission: May 8, 2006

Board of County Commissioners: June 14, 2006

APPLICANT: Bill W. Mazas, Thomas W. Mazas and Sophia Vasilaros
FILE NUMBER: H-06-28

PURPOSE: Rezoning from AG to CPDP(SF)(GC)/Combined Planned Development Project (Single Family)(General Commercial) with a Reduction in Setbacks

GENERAL

LOCATION: East side of US 19, south side of Centralia Road, west of Piquero Avenue, Phylis Avenue and Macross Court

LEGAL

DESCRIPTION: A portion of Section 31, Township 21 South, Range 18 East and a portion of Section 36, Township 21, Range 17 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 1

STAFF FINDINGS:

Surrounding Zoning

North: AG, R-1C
South: C-2, C-3
East: AG, R-1C
West: CV

Surrounding Land Uses

Single family, undeveloped
Mobile home, undeveloped
Single family, undeveloped
Chassahowitzka WMA

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to CPDP(SF)(GC). The subject property is located on the east side of US 19 and the south side of Centralia Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 158 acres.

3. The site is undeveloped.
4. The site contains does not appear to contain majestic trees. The petitioner notes a few specimen trees were sited on the project.
5. The subject property has access from US 19, Centralia Road, Ozark Road, Piquero Avenue, Phylis Avenue and Macross Court.
6. The subject property is located within residential and commercial land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Basinger fine sand, Candler fine sand and borrow pits. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations
8. The property is located in a flood zone C.
9. The subject property contains wetlands and a WHPA-1, but no SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site.
11. There are adequate public facilities available to serve limited the subject property.
12. The area is characterized by single family and mobile home residential uses, conservation uses, and undeveloped parcels.
13. The petitioner has requested a reduction in setbacks from US 19 from 125' to 75'.

STAFF DISCUSSION

The petitioner initially submitted a request to rezone from AG to CPDP(SF)(SU)(GC). The petitioner proposed developing 16 acres with approximately 120,000 square feet of general commercial uses, and 10 acres of life care center in the southwest corner of the property with up to 200 residential units. The remaining acreage was proposed to be developed with 360 single family homes. The staff reviewed the request and recommended denial because we believed the proposal was too intense for the area. The P&Z postponed consideration of the request until their May 8, 2006, hearing so that the petitioner could modify the concept for reevaluation. The staff has prepared a report analyzing the revised materials submitted by the petitioner.

The plan submitted by the petitioner proposes a total of 385 single family lots with a gross density of 2.5 units per acre. The single family component of the project includes several lot size configurations. The larger lots which are 12,500 square feet in size (100' width) are located along the southeastern boundary, south of Piquero Avenue, against Royal Highland residential lots. Additionally, the petitioner is proposing a 50' natural buffer, separate from the lots, adjacent to this area of Royal Highlands. The project proposes 8750 square foot lots and 6250 square foot lots within separate pods within the development. A 25' wide natural buffer is proposed adjacent to the 8750 square foot lots along the northeast, and north adjacent to Centralia Road. The petitioner has indicated the intent to vacate Ozark Road which is adjacent to this portion of the project. The petitioner proposes internal lot setbacks of 25' front, 5' side and 15' rear for 50' wide lots, 25' front, 7.5' side and 15' rear for 70' wide lots, and 25' front, 10' side and 15' rear for 100' wide lots. The residential products are grouped together by lot size. The petitioner proposes 14 acres of commercial at the intersection of US 19 and Centralia Road.

The perimeter setbacks are proposed as follows: 75' from US 19 in the commercial area with the provision of a reverse frontage road, 125' from US 19 in the noncommercial area, 50' from Centralia Road, 35' from Ozark Road, and 25' from the remainder of the perimeter. The LDRs require a 125' setback from US 19, and 75' for the commercial portion along Centralia. The petitioner requests the reduction in setbacks from 125' to 75' along US 19 with the provision of a reverse frontage road. The BCC has granted a reduction in setbacks in the past with the provision of a reverse frontage road. No justification for the reduction in setbacks for the commercial area along Centralia was provided.

The PDP rules also require that subdivisions with lot widths less than 60' at the building line submit a fire protection plan upon the filing of a conditional plat.

The LDRs require single family development to be provided with a minimum of 5% of the project area as usable open space. The petitioner indicates 7 acres of a recreation area within the project. The minimum required usable open space would be 7.7 acres. The petitioner would be required to provide the minimum open space per the LDRs.

The petitioner proposes serving the development with central water and sewer. The Utilities Department has indicated that central water and sewer capacity are available to serve the project. There is a 16" water line on the west side of US 19, approximately 13,900' south of the parcel. There is a 10" force main on the north side of Hexam Road approximately 8200' south of the parcel. The subject property is located within an area that the county would envision being served by central water and sewer services; however, provision of such services have not been planned and programmed. The developer would have to construct facilities at a size to meet the county's long term needs at the time of development of the project.

The Hernando County School Board reviewed the initial proposal submitted by the petitioner and indicated the request would generate approximately 120 additional students. Elementary schools students would be assigned to Pine Grove Elementary School, middle school students would be

assigned to West Hernando Middle School and high school students would be assigned to Central High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

County LDRs require that new single family and multifamily development with more than 20 units, provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width. The petitioner would be required to meet the applicable LDRs.

The subject property has access to US 19. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The frontage road depicted on the plan is a reverse frontage road between the proposed commercial and residential. The narrative submitted by the petitioner indicates that the frontage road will be constructed at the time of construction of the commercial component of the master plan.

The subject property has access from US 19, Centralia Road, Ozark Road, Piquero Avenue, Phylis Avenue and Macross Court. The plan shows access to US 19, Centralia Road and Piquero Avenue. Piquero Avenue is a limerock roadway. The plan shows the frontage road stubbing out to the south into land that is zoned C-2.

The subject property contains two Class 3 wetlands according to County data resources. County data resources also show a Class 1 wetland. Any removal, alteration or encroachment within wetlands shall adhere to all state and federal wetland permitting and mitigation requirements.

A portion of the subject property is within a WHPA-1 for a public supply well. The proposed use with central services is allowable within this designation.

The subject property contains a historical/archeological site according to the State Master Site File. An archeological/historical evaluation shall be provided demonstrating the significance of any archeological or historical resources present on the property prior to site alteration.

A portion of the subject property is within a Strategic Habitat Conservation Area according to County data resources. A comprehensive wildlife survey shall be conducted in order to identify any listed species present on the property.

The subject property is adjacent to the Chassahowitzka Wildlife Management Area and several SWFWMD managed conservation areas. These conservation areas contain large areas of sandhill habitat. This habitat requires frequent prescribed fire, approximately once every 1-3 years.

The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by single family and mobile home residential uses, conservation uses, and undeveloped parcels. There is limited development in the surrounding area.

The subject property is located within residential and commercial land use classifications on the adopted Future Land Use Map.

Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. The petitioner is proposing 385 units for an overall project density of 2.5 units per acre.

Policy 1.01F(2) states that low density zoning districts shall be established to encourage and promote single family development at densities not to exceed 2.5 units per acre and is intended to be the district most utilized for regulating future single family development. The Petitioner's request is considered low density residential pursuant to the comprehensive plan.

The petitioner proposes 120,000 square feet of commercial on approximately 14 acres. The commercial area is divided by the entry road to US 19. Single Site development could not exceed 65,000 square feet without specific approval through the PDP process. The commercial component is located within a commercial land use designation on the adopted Future Land Use Map. The commercial land use classification would support the commercial component of the request.

The staff is of the opinion that request to rezone from AG to C/PDP(SF)(GC) with a reduction in setbacks along US 19 at the densities proposed is appropriate, based on the following conclusions:

1. The proposed development, with the buffering proposed, is not incompatible with the neighboring development.
2. No justification to reduce the setbacks along Centralia from 75' to 50' on the commercial component of the project was provided.
3. The requested rezoning is not inconsistent with the County's adopted Comprehensive Plan and the County's land development regulations.

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners

associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone the subject property from AG to C/PDP(SF)(GC) with a reduction in setbacks along US 19 with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. Minimum lot sizes within pods as shown:
12,500 square feet
8750 square feet
6250 square feet
3. Internal lot setbacks for the residential:
12,500 square feet: front 25', side 10', rear: 15'
8750 square feet: front 25', side 7.5', rear 15'
6259 square feet: front 25', side 5', rear 15'
4. Setbacks for the commercial:
From US 19: 75'
From Centralia: 75'
From Frontage road: 35'
5. Minimum perimeter setbacks for the residential:
Centralia (for residential): 50'
Residential along US 19: 125'
From Ozark ROW: 35'
6. The petitioner shall provide a frontage road across the project, at no cost to the county, upon platting of the commercial component of the request.
7. A minimum 50' natural buffer shall be provided along the eastern boundary of the project. Minimum 12,500 square foot lots are required along the eastern boundary. The buffer shall be separate from the lots.

8. A minimum 25' buffer shall be provided along Centralia against the residential lots. The buffer shall be separate from the lots.
9. A minimum 10' buffer shall be provided along the southern boundary of the project. The buffer shall be separate from the lots.
10. The maximum number of residential units allowed: 385
11. Connection to Piquero Avenue shall be accommodated; however, the connection will not become functional until such time as Piquero Avenue is improved.
12. Prior to final plat approval, the developer will establish a means for mandatory solid waste and recyclable material pick up.
13. The developer shall construct water and sewer facilities at a size to meet the county's long term needs at the time of development of the project.
14. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

At the March 13, 2006 meeting, the P&Z voted 4-1 to postpone hearing the request until the May 8, 2006 meeting at 9:00 a.m.

BCC ACTION:

On April 12, 2006, the BCC voted 5-0 to postpone consideration of this petition until June 14, 2006 at 9:00 a.m.

The School Board of Hernando County, Florida

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Members
John Druzbeck
Pat Fagan
Sandra Nicholson

February 21, 2005

Christopher Mettler
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Chris:

I reviewed the proposed rezoning requests that you forwarded to me for the March 13 P & Z and the March 15 BOCC meetings. My comments are listed below for consideration during the staff's review.

In reference to **H-06-18** the request from BBC, LLC for a Master Plan Revision and Rezoning of a 168 acre site with 80 multi-family units and 53 single family units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Brooksville Elementary School
Middle (6-8) – D.S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to have an impact to the District with an increase of an additional 45 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$175,000 and 2 teachers at an estimated cost of \$100,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 45 additional students. This worksheet shows an estimated impact in excess of school taxes between \$408,192 and \$416,172.

In reference to **H-06-22**, the request from Cornerstone Communities to rezone and develop a 103 Ac site with 300 multi-family and 200 single family residential units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – East Side Elementary School
Middle (6-8) – D. S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to have an impact to the District with an increase of an additional 167 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$700,000 and 7.5 teachers at an estimated cost of \$375,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 167 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,486,389 and \$1,516,389.

In reference to **H-06-26**, the request from Bluestone Construction & Development to Establish a Master Plan on 31.5 Ac and develop 432 multi-family homes, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – Spring Hill Elementary School
Middle (6-8) – Powell Middle School
High (9-12) – Springstead High School

This rezoning request is expected to have an impact to the District with an increase of an additional 144 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$675,000 and 6.5 teachers at an estimated cost of \$325,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 144 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,277,856 and \$1,303,776.

In reference to **H-06-28**, the request from Bill W. Mazas, Thomas W. Mazas, and Sophia Vasilaros to rezone 154 Ac and develop 360 single family homes, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Pine Grove Elementary School
Middle (6-8) – West Hernando Middle School
High (9-12) – Central High School

This rezoning request is expected to have an impact to the District with an increase of an additional 120 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$525,000 and 5.5 teachers at an estimated cost of \$275,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 120 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,064,880 and \$1,086,480.

In response to **H-06-29**, the request to Establish a Master Plan from Resdev, LLC, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Spring Hill Elementary School
Middle (6-8) – Powell Middle School
High (9-12) – Springstead High School

This rezoning request is expected to have an impact to the District with an increase of an additional 20 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$150,000 and 1 teacher at an estimated cost of \$50,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 20 additional students. This worksheet shows an estimated impact in excess of school taxes between \$181,911 and \$185,451.

I hope this information will be helpful for the staff review. Please contact me if you have any questions or need further information. Thank you for the opportunity to comment on the effect that these proposed rezoning requests will have on the Hernando County School System.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director